



Impartial Hearing Officer Compensation Policy

Fiscal Year 2014

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Overview

The Impartial Hearing Office (IHO), of the New York City Department of Education (DOE), compensates hearing officers in accordance with the policies and procedures outlined here. The IHO reserves the right to change, delete or suspend any and/or all parts of this Compensation Policy at any time.

Effective Date

This Compensation Policy is to take effect on February 1, 2014 and replaces the former Pay Policy issued on September 19, 2011. Cases closed on or before January 31, 2014 shall be invoiced as per the old DOE pay policy.

Contact Information

Inquiries regarding the new Compensation Policy should be directed to:

Stacey Reeves, Esq. (718) 935-2681
Chief Administrator, Impartial Hearing Office

Cheryl N. Williams, Esq. (718) 935-3498
Deputy Chief Administrator, Impartial Hearing Office

Inquiries relating to invoicing the DOE and/or payment for submitted invoices should be directed to:

Ihoinvoices@schools.nyc.gov

I. SERVICES RENDERED

1. Administrative Costs:

Hearing officers are entitled to an administrative fee **[AF]** upon appointment to an impartial hearing case and to review a case to determine if the case should be consolidated or when cases as bifurcated.

AF is intended to cover the administrative costs of the case, including but not limited to the costs of reading the due process complaint, scheduling hearings, making derminations on the cases (i.e., should the case be consolidated), the transmittal of the record and other documents to the IHO.

For cases that are bifurcated (e.g., expedited and non-expedited) hearing officers must manage and bill for these cases separately and submit separate invoices for each case. As a reminder, expedited cases all have a “9” prefix followed by a seven **(7)** digit case number.

There is no **AF** for any case in which a hearing officer is:

- recused from such case for any reason other than a conflict of interest that is discovered for the first time at the Impartial Hearing; and
- appointed in error (i.e., invalid case, keystroke/data entry error).

Hearing Officers are directed to invoice AFs in the following manner:

CODE	NATURE OF SERVICES RENDERED	FEE
AF	Administrative Fee	\$100

2. Facilitating Pre-Hearing Conferences:

Hearing officers are entitled to compensation for conducting a Pre-Hearing Conference **[PC]** in a case. No hearing officer shall bill the DOE for more than one **(1) PC** per case unless the case has been amended. For each accepted amendment, the hearing officer is entitled to bill the DOE for each additional **PC** and use the code **PCA**.

A hearing officer shall not be paid for any **PCA** if the amendment was not accepted and processed. Therefore, payments for **PCAs** held shall never exceed the number of amendments accepted and processed.

If a **PC** is adjourned or cancelled by anyone other than the hearing officer, then the hearing officer is entitled to a cancellation fee **[PCX]**. Multiple cancellations of a **PC** will not entitle a hearing officer to multiple cancellation fees. A hearing officer can only bill the DOE for one **(1) PCX** per case, unless the case was amended. IHOs are entitled to bill for one **(1)** cancellation per accepted amendment.

Only actions by the parties to cancel or adjourn a **PC** triggers payment, the hearing officer therefore is not entitled to the cancellation fee if the **PC** is adjourned or cancelled by the hearing officer.

Additionally, a hearing officer is not entitled to separate **PCX** for any case in which the amendment was not accepted and processed.

Hearing officers are directed to invoice for **PCs** in the following manner:

CODE	NATURE OF SERVICES RENDERED	FEE
PC	Pre-Hearing Conference	\$40
PCA	Pre-Hearing Conference - Amended Request	\$40
PCX	Pre-Hearing Conference – Adjournment/Cancellation	\$20

3. Conducting Pendency & Impartial Hearings:

Hearing officers are entitled to compensation for conducting hearings in a case as follows:

CODE	NATURE OF SERVICES RENDERED	FEE
PH	Pendency Hearing	\$300
H1	One (1) Day of Hearing and 1 case scheduled	\$300
H2	One (1) Day of Hearing and 2 cases scheduled	\$150 per case
H3	One (1) Day of Hearing and 3 cases scheduled	\$100 per case

4. Reviewing Transcripts – Cases in Progress/Remanded

Hearing officers are eligible for a transcript review fee [**TR**] upon appointment to a case that was already in progress and previously assigned to another hearing officer (i.e., Hearing Officer recused) or remanded to the same hearing officer after an appeal. Hearing officers are directed to invoice **TRs** in the following manner:

CODE	NATURE OF SERVICES RENDERED	FEE
TR	Transcript Review Fee – Per Transcript	\$100

5. Writing & Submitting Orders:

Hearing Officers are entitled to be compensated for issuing the following written decisions/orders or determinations.

- Statements of Agreement and Order [**DS**], at a rate of **\$150** per case;
- Pendency Order [**DP**], at a rate of **\$150** per case;
- Findings of Fact and Decision [**D1, D2**], at a rate of **\$300** per case;
- Insufficiency Decision Dismissing the Case [**ID**], at a rate of **\$150** per case;
- Order of Dismissal [**OD**], at a rate of **\$150** per case;
- Order of Termination [**OT**], at a rate of **\$100** per case;
- Order of Consolidation [**OC**], at a rate **\$100** per case

With the exception of decisions on motions the IHO is only allowed to bill the DOE once per each case for the above stated services. Billing for the above services is as follows:

CODE	NATURE OF SERVICES RENDERED	FEE
DS	Decision Writing Day for Statement of Agreement and Order	\$150
DP	Decision Writing Day for Interim/Pendency Order	\$150
D1	Decision Writing Day for Hearing	\$300
D2	Additional Decision Writing Day for Subsequent Hearing lasting longer than four (4) hours	\$300
ID	Decision Writing Day for Insufficiency Decision	\$150
OD	Decision Writing Day for Order of Dismissal	\$150
OT	Decision Writing Day for Order of Termination	\$100
OC	Order of Consolidation	\$100

Please note that hearing officers will not be reimbursed for expenses for automobile travel, meals or overnight lodging. Furthermore, the DOE will not reimburse hearing officers for postage or any other incidental costs.

6. Training:

Hearing officers are entitled to compensation, at a rate of **\$200** per day, for attending training sessions [**TS**] conducted by the DOE.

The DOE does not pay for training held by the Office of Court Administration (OCA), the New York State Education Department (SED), the NYC Office of Administrative Trials and Hearings (OATH), NYS Bar Association (NYSBA) or any other entity.

The DOE attendance sheet is the sole document needed for the DOE to process payment. It is mandatory that hearing officers sign the training attendance sheets to guarantee payment.

CODE	NATURE OF SERVICES RENDERED	FEE
TS	IHO hearing officer training	\$200

II. WITHDRAWALS, CANCELLATIONS AND OTHER DELAYS

1. Withdrawals & Cancellations

If a hearing is withdrawn or adjourned before the scheduled hearing date, a hearing officer is entitled to a cancellation fee [HX] in the amount of **\$100**. Impartial hearing officers shall not seek compensation for more than one (1) HX per case and shall invoice the DOE for the HX in the following manner:

CODE	NATURE OF SERVICES RENDERED	FEE
HX	Cancelled or Withdrawn Hearing (per case)	\$100

2. Impartial Hearing – Same Day Cancellation

In Impartial hearing officer is entitled to an “Appearance Fee”¹ [H0], in the amount of \$300, for appearing at a hearing that does not proceed and results in a same-day cancellation for any of the following reasons:

- an error by a party or the Impartial Hearing Office;
- the court reporter fails to appear;
- either party is more than one (1) hour late for the hearing;¹
- both parties fail to appear;
- withdrawal of the complaint on the same day as the hearing;
- withdrawal of the complaint after 5:00 p.m. the day before the hearing; or
- same day notice of administrative office closure (e.g., weather or other emergencies).

¹ Impartial hearing officers must sign-in and indicate their time of arrival in order to be paid Appearance Fee.

Hearing officers are directed to invoice for cancellations as described herein in the following manner:

CODE	NATURE OF SERVICES RENDERED	FEE
H0	Day of hearing: Unable to proceed	\$300

3. Impartial Hearing Officer Lateness and that of the parties:

When an Impartial Hearing Officer is running late, the hearing officer should contact the Impartial Hearing Office and the parties will be made aware of any lateness. When parties are running late, while it is up to the hearing officer to determine the length of time to wait for the parties; the DOE requests that as a professional courtesy to the parties that a hearing officer wait at least thirty (30) minutes before starting the hearing with an absent party.

III. PROCEDURES FOR OBTAINING PAYMENT – MANUAL BILLING

Before this office will authorize payment, the hearing officer must timely submit all of the following (if applicable):

- all evidence and hearing materials;
- Certification of Evidence Submitted ; and
- A completed Case Summary Report (CSR)

To prevent payment delays, hearing officers must make sure their invoice contains:

- (i) the relevant case, by case number and student name;
- (ii) each provided service, listing the code number and describing the nature of the services rendered, and
- (iii) the date that each service was rendered, (see attached form).

Invoices can be mailed or hand delivered to the Impartial Hearing Office or submitted via fax to (718) 391-6181 or sent via email to ihoinvoices@schools.nyc.gov.

This office will notify the relevant Impartial Hearing Officer as invoices are processed and/or reconciled to comply with this Payment Schedule.

Invoicing Codes Summary

CODE	NATURE OF SERVICES RENDERED	FEE
AF	Administrative Fee	\$100
PC	Pre-Hearing Conference	\$40
PCA	Pre-Hearing Conference – Amended Request	\$40
PCX	Pre-Hearing Conference – Adjournment/Cancellation	\$20
PH	Pendency Hearing	\$300
H1	One (1) Day of Hearing and 1 case scheduled	\$300
H2	One (1) Day of Hearing and 2 cases scheduled	\$150 per case
H3	One (1) Day of Hearing and 3 cases scheduled	\$100 per case
TR	Transcript Review Fee – Per Transcript	\$100
DS	Decision Writing Day for Statement of Agreement and Order	\$150
DP	Decision Writing Day for Pendency Order	\$150
D1	Decision Writing Day for Hearing	\$300
D2	Additional Decision Writing Day for Subsequent Hearing lasting longer than four (4) hours	\$300
ID	Decision Writing Day for Insufficiency Decision	\$150
OD	Decision Writing Day for Order of Dismissal	\$150
TS	IHO hearing officer training	\$200
HX	Cancelled or Withdrawn Hearing (one billable charge /per case)	\$100
H0	Same day notice of cancellation	\$300
OT	Decision Writing Day for Order of Termination	\$100
OC	Order of Consolidation	\$100

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